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Disclaimer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--------------------------|---|-------------------------------|
| In re the application of |) | Examiner: Hoa B. Trinh |
| |) | |
| DANIEL R. KURZ, ET AL. |) | Group Art Unit: 2814 |
| |) | |
| Serial No. 09/970,390 |) | Docket: MICRU 58614 |
| |) | |
| Filed: October 2, 2001 |) | October 4, 2002 |
| |) | |
| For: VASOOCCLUSIVE COIL |) | Los Angeles, California 90045 |

TERMINAL DISCLAIMER TO OBVIATE DOUBLE PATENTING REJECTION

37 C.F.R. 1.321

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Petitioner, MICRUS CORPORATION, a Delaware corporation, Assignee, having a place of business at 495 Clyde Avenue, Mountain View, California 94043, is the assignee and owner of 100 percent interest in the instant application, Serial No. 09/970,390, filed on October 2, 2001, which is a continuation of Serial No. 09/139,258 filed August 25, 1998, now US Patent No. 6,136,015, for VASOOCCLUSIVE COIL, as recorded at reel 9548 Frame 0520, in connection with Serial No. 09/139,258. The assignment document has been

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Serial No. 09/970,390

reviewed, and petitioner hereby certifies that, to the best of petitioner's knowledge and belief, title in the instant application, Serial No. 09/970,390, is in petitioner.

Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of commonly owned Patent No. 6,136,015 issued October 24, 2000, which is also owned by petitioner. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and Patent No. 6,136,015 are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of Patent No. 6,136,015, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner

Serial No. 09/970,390

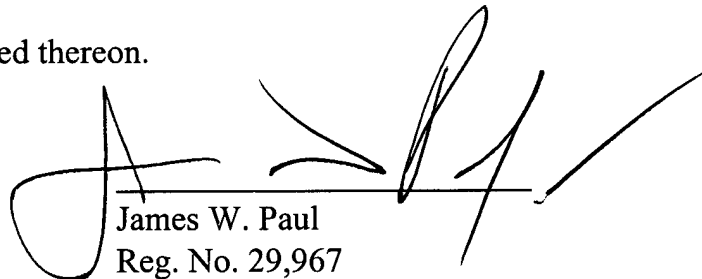
terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney of record.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

October 4, 2002

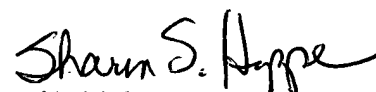
Date


James W. Paul
Reg. No. 29,967

**TERMINAL DISCLAIMER
APPROVED**

OCT 29 2002

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SPECIAL PROGRAM CENTER


**SHARON S. HOPPE
PARALEGAL SPECIALIST
TECHNOLOGY CENTER 2800**